

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ANTHONY BIRDINE,**

**Defendant.**

**8:06CR202**

**ORDER**

This matter is before the Court on the Defendant's Notice of Appeal, ECF No. 172.

The Defendant seeks to appeal from the Court's Memorandum and Order, ECF No. 171, denying his request for relief pursuant to the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018).

Because the Defendant Anthony Birdine was permitted to proceed in forma pauperis in this district court action and has been incarcerated since his sentencing in 2007, the Court finds that he should be permitted to proceed in forma pauperis with respect to his Notice of Appeal, pursuant to Fed. R. App. Pro. 24(a)(3).

**IT IS ORDERED:**

1. The Defendant may proceed with his appeal, ECF No. 172, without payment of costs, and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 15<sup>th</sup> day of April 2019.

**BY THE COURT:**

s/Laurie Smith Camp  
Senior United States District Judge